

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

CATHERINE BETHKE
Claimant

APPEAL NO. 15A-UI-05782-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/05/15
Claimant: Appellant (2)

Section 96.4-3 – Adequate Work Search

STATEMENT OF THE CASE:

Catherine Bethke (claimant) appealed a representative's May 6, 2015 (reference 03) decision that concluded she had made fewer than the required two in-person job contacts and that a warning should be issued. A hearing was not deemed necessary to be held in order to make a decision for reasons which will appear in the Findings of Fact.

ISSUE:

The issue is whether the claimant is actively and earnestly seeking work.

FINDINGS OF FACT:

he administrative law judge, having considered all of the evidence in the record, finds that: The claimant filed an original claim for unemployment insurance benefits effective April 5, 2015. For the week ending May 2, 2015, the claimant indicated she did not make the minimum of two in-person contacts. Based upon a review of the available evidence, the claimant pushed a button in error resulting in incorrect response data. The claimant made two contacts for the week ending May 2, 2015.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant did actively and earnestly seek work for the week ending May 2, 2015.

Iowa Code § 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as

defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

The evidence sufficiently demonstrated to the satisfaction of the administrative law judge that appropriate in person work search contacts were made for the week ending May 2, 2015. Accordingly, the warning shall be rescinded.

DECISION:

The representative's May 6, 2015 (reference 03) decision is reversed. The warning shall be rescinded.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/can